

**SB41 ENGROSSED**



1 SB41  
2 5V9WBM6-2  
3 By Senator Kelley  
4 RFD: Judiciary  
5 First Read: 13-Jan-26  
6 PFD: 07-Jan-26



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to abuse and exploitation of an elder; to amend Section 43-8-253, Code of Alabama 1975; to provide for the effect of the abuse or exploitation of an elder on intestate succession, wills, joint assets, and certain other contractual obligations; and to further provide for liability relating to certain claims.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 43-8-253, Code of Alabama 1975, is amended to read as follows:

"§43-8-253

(a) A surviving spouse, heir, legatee, or devisee who abuses or feloniously and intentionally kills the decedent ~~is not entitled to~~ may not receive any benefits under the will or under articles 3 through 10 of this chapter, and the estate of decedent passes as if the killer or abuser had predeceased the decedent. Property appointed by the will of the decedent to or for the benefit of the killer or abuser passes as if the killer or abuser had predeceased the decedent.

(b) Any joint tenant who abuses or feloniously and intentionally kills another joint tenant ~~thereby effects a~~



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29 ~~severance of~~shall be deemed severed from the interest of the  
30 decedent so that the share of the decedent passes as his or  
31 her property and the killer or abuser has no rights by  
32 survivorship. ~~This provision applies to~~ subsection shall apply  
33 to all of the following: (i) joint tenancies with the right of  
34 survivorship and tenancies in common during the respective  
35 lives of the grantees with cross-contingent remainders in fee  
36 to the survivor in real and personal property~~;~~ ; (ii) joint and  
37 multiple-party accounts in banks, savings and loan  
38 associations, and credit unions and other institutions~~;~~ ; and  
39 (iii) any other form of co-ownership with survivorship  
40 incidents.

41 (c) A named beneficiary of a bond, life insurance  
42 policy, or other contractual arrangement who abuses or  
43 feloniously and intentionally kills the principal obligee or  
44 ~~the person~~ individual upon whose life the policy is issued ~~is~~  
45 ~~not entitled to~~ may not receive any benefit under the bond,  
46 policy, or other contractual arrangement, and it becomes  
47 payable as though the killer or abuser had predeceased the  
48 decedent.

49 (d) Any other acquisition of property or interest by  
50 the killer or abuser shall be treated in accordance with the  
51 principles of this section.

52 (e) (1) For the purposes of this section, an individual  
53 shall be deemed to have abused another if the individual is  
54 convicted of elder abuse and neglect in the first or second  
55 degree or financial exploitation of an elderly person in the  
56 first or second degree, pursuant to Article 9 of Chapter 6 of



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57 Title 13A.

58           (2) A final judgment of conviction of felonious and  
59 intentional killing, elder abuse and neglect, or financial  
60 exploitation of an elderly person is conclusive for purposes  
61 of this section. ~~In the absence of a conviction of felonious~~  
62 ~~and intentional killing the court may determine by a~~  
63 ~~preponderance of evidence whether the killing was felonious~~  
64 ~~and intentional for purposes of this section.~~

65           (3) The court shall order a final judgment of  
66 conviction of felonious and intentional killing, elder abuse  
67 and neglect, or financial exploitation of an elderly person to  
68 be recorded in the office of the judge of probate in each  
69 county in which the decedent or victim owned or owns property.  
70 The judgment shall be recorded consistent with the  
71 requirements of Section 6-9-210.

72           (f) This section does not affect the rights of any  
73 ~~person~~ individual who, before rights under this section have  
74 been adjudicated, purchases from the killer or abuser for  
75 value and without notice property which the killer or abuser  
76 would have acquired except for this section, but the killer or  
77 abuser is liable for the amount of the proceeds or the value  
78 of the property.

79           (g) (1) Any insurance company, bank, or other obligor  
80 making payment according to the terms of its policy or  
81 obligation is not liable by reason of this section unless  
82 prior to payment it has received at its home office or  
83 principal address written notice of a claim under this  
84 section.



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85           (2) Any individual or entity otherwise facilitating the  
86 acquisition of property or interest under subsection (d) is  
87 not liable by reason of this section unless prior to the  
88 facilitation it has received written notice of a claim under  
89 this section.

90           (3) No county, county official, or agent of a county or  
91 county official is liable by reason of this section."

92           Section 2. This act shall become effective on October  
93 1, 2026.



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94  
95  
96 Senate

97 Read for the first time and referred .....13-Jan-26  
98 to the Senate committee on Judiciary  
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100 Read for the second time and placed .....14-Jan-26  
101 on the calendar:  
102 0 amendments  
103  
104 Read for the third time and passed .....29-Jan-26  
105 as amended  
106 Yeas 32  
107 Nays 0  
108 Abstains 0  
109  
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111 Patrick Harris,  
112 Secretary.  
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